

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING DECEMBER 3, 2004

Prepared on September 17, 2004

ITEM: XX

**SUBJECT: ADOPTING THE LOS OSOS CREEK, WARDEN CREEK, AND WARDEN LAKE
WETLAND TOTAL MAXIMUM DAILY LOAD FOR NUTRIENTS AND
IMPLEMENTATION PLAN**

BACKGROUND

Los Osos Creek was included on California's section 303(d) list of impaired waters for nutrients. Section 303(d) requires the Regional Board to adopt a Total Maximum Daily Load (TMDL) for listed waterbodies. Staff recommends approval of a resolution to adopt a TMDL and implementation plan for nutrients in Los Osos Creek, Warden Creek, and Warden Lake Wetland. The TMDL addresses the nitrate portion of the nutrient impairment in the Los Osos Creek watershed and includes follow-up monitoring to address any remaining impairment to ensure that beneficial uses are protected. Compliance with the Conditional Waiver for Irrigated Agricultural Discharges (conditional waivers) by owners and operators of irrigated agricultural lands and additional monitoring by Regional Board staff will implement the Los Osos Creek Nutrient TMDL.

PUBLIC INVOLVEMENT

Regional Board Staff has conducted TMDL outreach by coordinating the TMDL with agencies and individuals in the Los Osos Creek watershed. In addition, public review and comment through this board hearing process provides another formal opportunity for public input for adoption of this TMDL. Notice of public hearing was given by notifying newspapers of general circulation within the Region and by mailing a copy of the notice to all persons requesting such notice and affected government agencies.

The Final Project Report for this proposed Board action is available at the Region 3 website at <http://www.swrcb.ca.gov/rwqcb3/TMDL/PublicCommentParticipation.htm>. Staff did not include the entire document in the staff report in order to save paper. Paper copies are available upon request.

**CALIFORNIA ENVIRONMENTAL
QUALITY ACT**

This Board resolution finds that an existing project makes any further regulatory action (i.e., any "project") unnecessary. Therefore, this action is not a "project" that requires compliance with the California Environmental Quality Act (California Public Resources Code §21000 et seq.). The Regional Board is not directly undertaking an activity, funding an activity or issuing a permit or other entitlement for use (Public Resources Code section 21065; 14 Cal. Code of Regs. §15378). The Regional Board is not approving any activity; it is merely finding that an ongoing activity also satisfies other legislative requirements.

ANTI-DEGRADATION

This resolution does not allow degradation or lower water quality, and does not approve an activity that produces or may produce a waste or increased volume or concentration of waste or an activity that discharges or proposes to discharge to existing high quality waters. This resolution therefore complies with Resolution 68-16 and 40 CFR §131.12.

COMMENTS

Notice of this item being proposed to the Regional Board was distributed to a list of interested parties and agencies that have indicated interest in the Los Osos Creek area.

Written comments (via mail, e-mail, and fax) concerning the proposed TMDL for Nutrients in Los Osos Creek, Warden Creek, and Warden Lake Wetland received prior to the Regional Board meeting will be considered prior to Board approval.

RECOMMENDATION

Approve the Resolution R3-2004-00XX adopting the TMDL for Nutrients in Los Osos Creek, Warden Creek, and Warden Lake Wetland, finding the conditional waivers will achieve the TMDL.

ATTACHMENTS:

A. Resolution R3-2004-0165

B. Final Project Report - available at the Region

Three website at

<http://www.swrcb.ca.gov/rwqcb3/TMDL/PublicCommentParticipation.htm>

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